

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date:	June 20, 2008
Serial No.:	10/764,977
Filing Date:	January 26, 2004
Applicant:	SEYMOUR et al.
Title:	CUSTOMIZABLE STORAGE AND DISPLAY SYSTEMS
Examiner:	HOGUE, Gary Chapman
Art Unit:	3611
Telephone:	571-272-6645
Facsimile:	571-273-8300

FILED ELECTRONICALLY VIA EFS-WEB

Mail Stop AF
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

INTERVIEW SUMMARY

FILED PURSUANT TO MPEP 713.04

Sir:

This Paper is filed to memorialize the Applicant-Initiated Interview between Supervisory Patent Examiner Lesley D. Morris (SPE) and the Attorney of Record, Adam Rehm conducted on June 9, 2008.

Please enter the following with respect to the above-identified Application.
Reexamination and reconsideration of the Application is requested. Any deficiency or overpayment with respect to this Paper should be charged to deposit account number 19-3140.

A. Exhibits shown or demonstrations conducted:

None.

B. Claims discussed:

Claims 1-7.

C. Prior art discussed:

None.

D. Proposed amendments:

None.

E. Principal arguments of the Applicant and the Examiner:

Applicant contacted Supervisory Patent Examiner Lesley D. Morris (SPE) in response to Examiner Hoge's expressed intent not to correct his failure to examine claims 1-7, claims that were elected in Applicant's Response to the Restriction requirement filed on September 17, 2007.

Applicant elected Group I, Species III, which Applicant concluded were claims 1-11 and 13-17.¹ The Examiner informed Applicant during an interview² that he had unilaterally decided to further limit the Restriction Requirement and had intentionally examined only claims 8-11 and 13-17 while leaving claims 1-7, and 12 unexamined.³ The Final Office Action, however, failed to provide notice to Applicant that the Examiner had made this bizarre unilateral decision.⁴ Moreover, the Final Office Action erroneously alleged that Applicant had elected claims 8-11 and 13-17, which further confused Applicant.⁵

Ms. Morris advised Applicant that Examiner Hoge had conferred with her regarding the matter, but she was unaware that Examiner Hoge had failed to provide notice to Applicant regarding his decision to further limit Applicant's election.

¹ The Examiner indicated Group I included claims 1-11 and 13-17, and Species III included claims illustrated by Figs. 7-9.

² See Applicant summary of interview filed June 9, 2008.

³ Only claim 12 was unelected and "withdrawn" via Applicant's reply filed September 17, 2007.

⁴ The Examiner issued a FINAL office action after the Restriction Requirement had been issued.

⁵ The Examiner argued that "[c]laims 1-7 and 12 are withdrawn from further considered pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species" and that "[e]lection was made without traverse in the reply filed on September 17, 2007." See the Office Action, pg. 2, para. 1.

INVENTOR: SEYMOUR et al.
Serial No. 10/764,977

Ms. Morris advised Applicant that Examiner Hoge should have provided notice that he had decided to further limit Applicant's election.

Ms. Morris advised Applicant that she would correct the abandonment and a new Office Action to correct the defect would be sent forthwith.

F. Other pertinent matters discussed:

None.

G. Result of the interview:

Ms. Morris advised Applicant that she would correct the abandonment and a new Office Action to correct the defect would be sent forthwith.

H. Conclusion:

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 19-3140.

Respectfully submitted,

SONNENSCHEN NATH & ROSENTHAL LLP

By /Adam C. Rehm/
Adam C. Rehm, Reg. No. 54,797
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, IL 60606-1080
816-460-2542 (telephone)
816-531-7545 (facsimile)
ATTORNEYS FOR APPLICANT